

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AMYIAH COHOON, a minor, by and through her parents
and legal guardians, RICHARD COHOON and ANGELA
COHOON,

Plaintiff,

Case No. 20-CV-620

v.

JOSEPH KONRATH, in his personal and official capacity
as Sheriff of Marquette County, Wisconsin, and

CAMERON KLUMP, in his personal and official capacity
as Patrol Sergeant for the Marquette County Sheriff's
Office

Defendants.

DECLARATION OF LUKE BERG

I, Luke Berg, declare that, if called upon, I could and would competently testify to the following:

1. I am an attorney for the Plaintiff in the above-captioned case. I submit this declaration in connection with Plaintiff's motion for summary judgment.
2. Exhibit 1 to this Declaration is a true and correct copy of the discharge order the Cohoons received from Divine Savior on March 22.
3. Exhibit 2 to this Declaration is a true and correct copy of a work release form the Cohoons received from Divine Savior on March 22.
4. Exhibit 3 to this Declaration is a true and correct copy of Amyiah's Instagram post on March 22.

5. Exhibit 4 to this Declaration is a true and correct copy of the full photo that Amyiah posted to Instagram on March 26.

6. Exhibit 5 to this Declaration is a true and correct copy of the screenshot of Amyiah's March 26 Instagram post that Sergeant Klump showed to Cohoons while he was at their home, which the Marquette County Sheriff's Office provided in response to an open-records request.

7. Exhibit 6 to this Declaration is a true and correct copy of Sergeant Klump's incident report, which the Marquette County Sheriff's Office provided in response to an open-records request.

8. Exhibit 7 to this Declaration is a true and correct copy of a news update sent by Westfield District Administrator Bob Meicher to families in the school district, which was downloaded from the Westfield School District's update page (it has since been removed).¹

9. Exhibit 8 to this Declaration is a true and correct copy of a letter I sent to Sheriff Konrath on the Cohoons' behalf on April 3.

10. Exhibit 9 to this Declaration is a true and correct copy of an email exchange between Sheriff Konrath's counsel and me in response to the Cohoons' letter.

11. Exhibit 10 to this Declaration is a true and correct copy of a medical record from the UW Children's Hospital pertaining to Amyiah's test for COVID-19.

12. Exhibit 11 to this Declaration is a true and correct copy an email exchange between Sergeant Klump and Sheriff Konrath about Sergeant Klump's incident report, which the Marquette County Sheriff's Office provided in response to an open-records request.

¹ <https://www.westfield.k12.wi.us/district/covid-19.cfm>.

I declare under penalty of perjury that the foregoing is true and correct to best of my knowledge and that this Declaration was executed on May 14, 2020 in Dane County, Wisconsin.

/s/ Luke N. Berg

Luke N. Berg

Amyiah Cohoon
MRN: 170830

Divine Savior Healthcare

2817 New Pinery Road
Portage, WI 53901
608-742-4131

Discharge Instructions for:
Arrival Date:

Cohoon, Amyiah L
Sunday, March 22, 2020

Thank you for choosing **Divine Savior Healthcare** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Jackson, Thomas, MD
Swan, James, APNP

Diagnosis: Acute upper respiratory infection, unspecified

DISCHARGE INSTRUCTIONS	FORMS
Upper Respiratory Infection, Adult	Patient Med Card Medication Reconciliation Narcotics Handout DSHC - You Are Important Flyer_files.htm
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Emergency Department When: As needed; Reason: Worsening of condition Ellsworth, Karen When: As needed; Reason: Worsening of condition	Albuterol Sulfate None
SPECIAL NOTES	
Delsym as needed for cough. Acetaminophen 650mg every 6 hours as needed for fever and pain. If not effective can add ibuprofen 400mg every 8 hours as needed. Use the inhaler every 6 hours for the first 3 days then as needed.	

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

MEDICATIONS:

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.

Arnyiah Cohoon
MRN: 170830

Divine Savior Healthcare
Emergency Department
2817 New Pinery Road
Portage, WI 53901
608-742-4131

03/22/2020

WORK RELEASE FORM

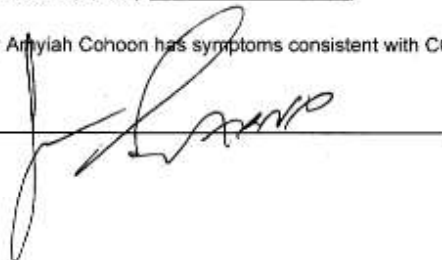
This notice verifies that Angela Cohoon accompanied their
family member/friend to our emergency department on the above printed date.

Patient was employee's:

- ☒ Child
- ☐ Spouse
- ☐ Other Family Member (Specify _____)
- ☒ Other (Specify Arnyiah Cohoon has symptoms consistent with COVID -19)

MD/RN SIGNATURE _____

PATIENT COPY







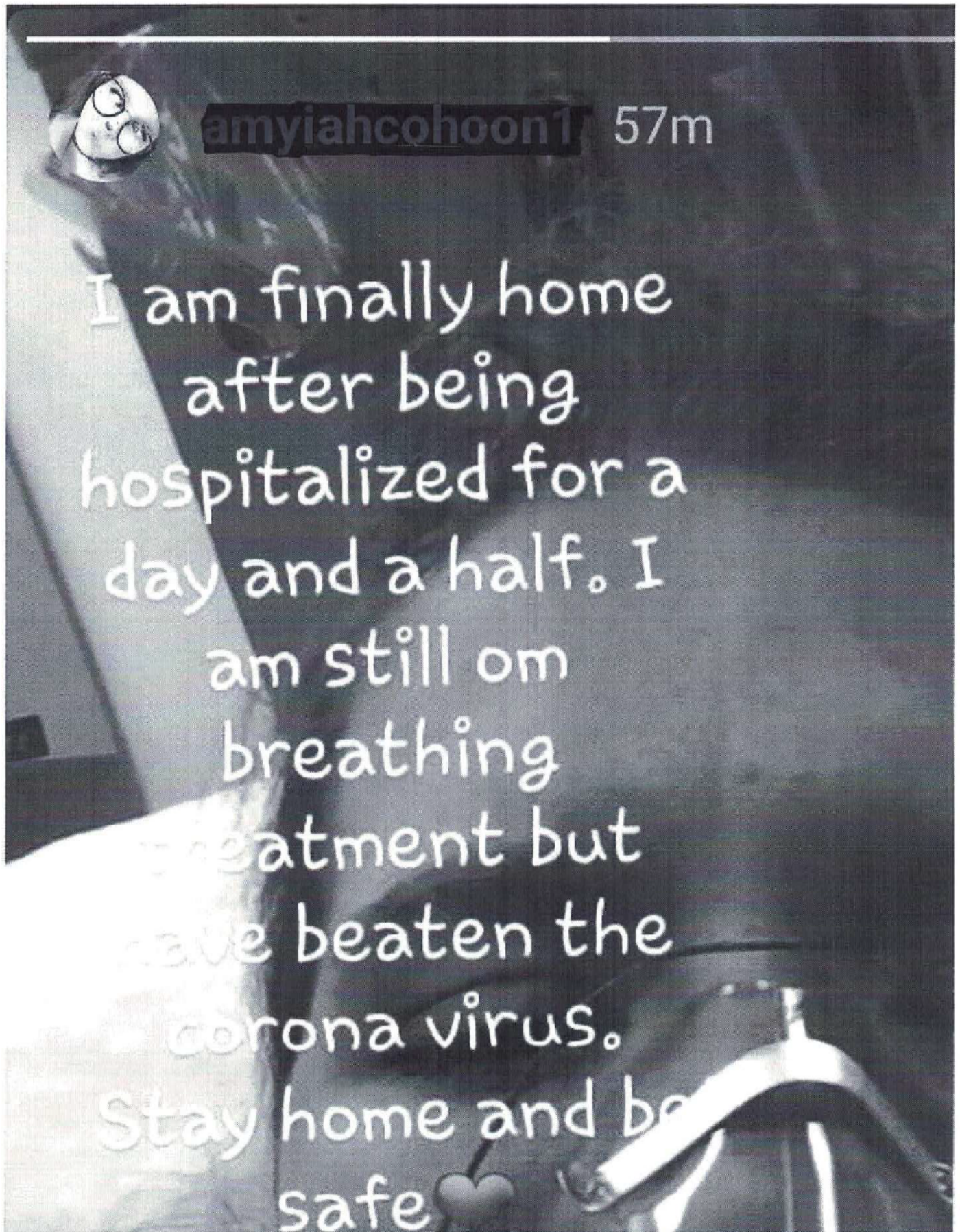


Exhibit 6

04/07/20
09:58

Marquette County Sheriff's Office
Detail Incident Report

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Incident #: 20-S00970

LAW INCIDENT:

Nature: JUVENILE PROB Address: 207 FRAN CT
Location: City: OXFORD ST: WI Zip: 53952

Offense Codes: JUV
Received By: Rozak, H How Received: Telephone Agency: MASO
Rspndg Officers: Klump, C
Rspnsbl Officer: Zauner, J Disposition: Closed Case on 04/06/20
When Reported: 18:21:11 03/27/20
Occurred: Between 18:21:11 03/27/20 and 18:21:11 03/27/20

Assigned To	Detail	Date Assigned	Status	Status Date	Due Date
		//**		**/**/**	**/**/**

Case History:

Radiolog:

Unit: 207 Enroute: 18:52:52 03/27/20 Arrived: 18:56:48 03/27/20
Completed: 19:30:50 03/27/20

INVOLVEMENTS:

Type	Record #	Date	Relationship
nmmain	4037	04/06/20	Questioned
nmmain	55280	04/06/20	Questioned
nmmain	70608	03/30/20	Mentioned
nmmain	72161	03/30/20	Mentioned
nmmain	81216	03/30/20	Suspect
nmmain	90427	04/06/20	Mentioned
nmmain	90428	04/06/20	Mentioned
nmmain	90429	04/06/20	Questioned
nmmain	4486	03/27/20	Complainant
cdcall	136410	03/27/20	Initiating Call

REPORTERS:

NAME: MARQUETTE CO HUMAN SERVICES Name Number: 4486
Race: Sex: DOB: **/**/**
Address: 428 UNDERWOOD AV, MONTELLO, WI 53949
Home Phone: (608) 297-3124 Work Phone: (608) 297-8718 FAX

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Incident #: 20-S00970

SUSPECTS:

NAME: [REDACTED] Name Number: 81216
Race: W Sex: F DOB: [REDACTED] Height: ' " Weight: 0 Hair: Eyes:
Address: 207 FRAN CT, OXFORD, WI 53952
Home Telephone: [REDACTED] Work Telephone: () -

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Incident #: 20-S00970

NARRATIVE:

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Incident #: 20-S00970

Juvenile Problem/Klump

INITIAL INFORMATION

On 03-27-2020, I Sgt. Cameron Klump was on duty for the Marquette County Sheriff's Office, operating fully marked squad, dressed in full Department uniform. I was assigned to section 3 for my shift of 3 PM to 3 AM. At approximately 1821 hours, I was advised by the dispatch center to make contact with Sheriff Konrath as he had a complaint that he was looking for me to investigate.

ORIGIN

Upon making contact with Sheriff Konrath he advised that he had been contacted by the Marquette County Health Department, advising that a Juvenile Female who I know from prior contacts as [REDACTED], F/W DOB [REDACTED], had posted on her social media, that she had beat the Covid 19 and the Health Department was advising that [REDACTED] had tested negative for Covid 19 and this was now causing issues with parents within the Westfield School District as [REDACTED] was on a recent Band trip with numerous students from Westfield approximately 2 weeks prior. Sheriff Konrath advised he wished for me to respond to the residence and have the post removed from her social media.

ARRIVAL

At approximately 1856 hours, I arrived at 207 Fran Court, in the Village of Oxford, where I attempted contact at the residence. Upon approaching the doorway I observed there to be female, who I know from prior contacts to be [REDACTED] standing there and upon knocking at the door, she did answer it and I advised I wished to speak to her father, who was identified as Richard A. Cohoon, M/W DOB [REDACTED], who I also know from prior police contacts.

Upon making contact with Richard, he stepped outside to speak with me and I advised him that I was here over an issue with his daughter and Covid 19. Richard then began to describe to me [REDACTED] medical history over the course of the last week where she was experiencing symptoms of Covid 19. Richard describes that [REDACTED] started experiencing a slight fever and dry cough, and difficulty breathing on Sunday, at which time she was transported by family down to Divine Savior Hospital for evaluation. He states she was then released from Divine Savior with a diagnosis of an upper respiratory infection with symptoms associated with Covid 19, she was released with an inhaler and advised to be quarantined at home. She was never tested for Covid 19 at that time. Then on Wednesday, her symptoms became worse and they again went to Divine Savior Hospital where she was ultimately transported via ambulance to children's hospital in Madison and while down there she was tested for Covid 19 and the test results were negative. Richard was very upset with the medical process due to all of the Covid 19 issues and its inconsistencies. I advised Richard that the reason I was at his residence was that [REDACTED] had made a post on Facebook that she had beaten the Coronavirus and that it was causing issues with parents within the school district. Richard stated that his daughter does not have Facebook at which time he had her step outside. Prior to that I did show Richard the post as I had been sent it from the Sheriff via email. When I advised Richard that I was there to have her remove the post, he became upset and stated that she would not be removing the post as they were trying to notify the public that their daughter was diagnosed with Covid 19 and to help alarm the

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others to be safe. While speaking with Richard his wife did also join in on the conversation and she was identified as Angela M. Cohoon, F/W DOB [REDACTED]. During this time Richard continued to be upset with me and expressed his displeasure's with me being there and with how the School District of Westfield was handling it and along with the Sheriff. Eventually I did advise Richard that if they were not willing to take the post down, that there would be the possibility of a County Ordinance Disorderly Conduct or being arrested for Disorderly Conduct due to the fact that they are causing a disturbance by posting that their daughter was positive for Covid 19 and the other parents who's children were in contact with [REDACTED] were now becoming upset over the post.

Eventually Richard stated that he would have [REDACTED] remove the post although he still did not feel it was necessary, he did have [REDACTED] step out in which she showed me that the post was now removed. It should be noted that it was originally believed that the post was on Facebook, and [REDACTED] advised that she does not have Facebook and that the post was on her Instagram Account. I did observe her account information and it did match with the photograph that I was provided with a user name of [REDACTED]. When I asked [REDACTED] about her post and her intentions, she initially stated that the post was while she was still in the hospital even though the post states "I am finally home after being hospitalized for a day and a half. I am still on breathing treatment but have beaten the Coronavirus. Stay home and be safe", and the picture is of her with a nebulizer mask on her face. Once [REDACTED] removed the post I advised her I no longer needed to have contact with her and she returned to the residence. I then advised Richard that I had no further questions for him and he continued to speak with me in regards to his concerns with the health care system, the news media outlets, the school district and the Sheriff's Office. I then cleared from the scene.

FOLLOW UP

A while later the dispatch center contacted me and advised that Richard had documents he would like me to review at which time I did contact Richard via telephone and he asked me if I had the posts that the School District of Westfield, had released to all parents. I advised him that I had not seen the post and I was not aware of what he was speaking of and he directed me to the School District's website where I did observe there to be a post from the District Administrator. Richard stated that the 5th paragraph of the post of 03-27-20 was causing him much concern and he wished to file a formal complaint. I determined that he did not wish to file a complaint with the Sheriff's Office for our actions but he wished to file a formal complaint on the School District for their actions. I described to him that he needed to file that with their agency. He stated that he wanted me to be in contact with the School District and removed the post. His concern with the post by the School District was the statement that states "this was a foolish means to get attention and the source of the rumor has been addressed". Richard states that upset him as that was not their intentions by posting it, it was to keep everyone safe. Richard advised that if no action was taken in the near future that he would have [REDACTED] place her post back up on Instagram and he was more than willing to be arrested for Disorderly Conduct and he would fight it later with his Attorney. I then later ended my contact with Richard.

I made contact with Sheriff Konrath in regards to this complaint and provided all of the details in which he advised that he wished for me to have no further

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actions taken in this case and he would complete any necessary follow up.

DISPOSITION

This case is considered closed. Any further information will follow in a supplemental report.

END OF REPORT

Sgt. Cameron Klump #207

Responsible LEO:

 #207

Approved by:

4-7-2020

Date

March 27, 2020

DISTRICT UPDATE

Hello Families!

I just have a few things to cover in this week's update. Has anyone else lost track of the days in this mess yet? It's a struggle to try to anticipate the changes that come with each day. If you're like me, being a forced hermit isn't easy!;)

By now, I'm hoping all parents have been contacted by your son or daughter's teacher(s). This week, they kicked the distance learning program into gear and should be providing your family with learning resources to keep students engaged in topics from their grade level or subject areas. If you haven't been contacted yet please send a return email to me with your information and I will see to it that your Principal or staff member gets in touch with you.

Our breakfast and lunch program are continuing for pick-up even with the Statewide Stay Home mandate. It is considered an essential service so we are going to continue as long as we can at our same locations and times. Just a quick note that we will be providing breakfast and lunch on Good Friday.

Just a reminder, all school playgrounds are off limits during this time of the Governor's order to stay home. While it is okay to have your children play outside, maintaining social distancing, the order specifically prohibits children at playgrounds. This is an effort to not have people congregate in one spot and because there is no active disinfecting going on at those playgrounds.

It was brought to my attention today that there was a rumor floating out there that one of our students contracted Covid-19 while on the band trip to Florida two weeks ago. Let me assure you there is NO truth to this. This was a foolish means to get attention and the source of the rumor has been addressed. This rumor had caught the attention of our Public Health Department and she was involved in putting a stop to this nonsense. In times like this, the last thing we need out there is misinformation. I asked her to prepare a short statement for the purpose of this update. I've pasted it below.

=====

As of Thursday March 26th, the Marquette County Public Health Department has zero confirmed cases of COVID-19. However, this continues to be a rapidly evolving situation. The health department is working closely with local, regional and state partners to monitor the disease as it progresses.

The Marquette County Health Department continues to encourage everyone to stay home and leave only when necessary. It is imperative to slow the spread of COVID-19 so that hospital systems can respond to those who need treatment, and not become overwhelmed. We all can do our part by practicing good hygiene. Everyone is urged to wash their hands frequently with soap and water for at least 20 seconds, clean frequently touched surfaces and objects daily (e.g. doorknobs, light switches, tables, cabinet handles), distance themselves from others if they do need to leave their homes, and to absolutely stay home if they do develop symptoms of any type of illness, such as a fever. If your

symptoms worsen, we do encourage you to seek medical attention, as needed.

Please follow the Marquette County website (www.co.marquette.wi.us) or the Marquette County Government Facebook page for frequent updates of this developing situation. For more in-depth questions, please call the Health Department at 608- 297-3135.

Stay home. Stay calm. Stay well. We will get through this, together.

Allison Davey, RN, BSN
Public Health Nurse
Marquette County Public Health Department
Direct 608-297-3129
Main 608-297-3135

=====

So there you have it. That's what I have for you all this week. As always, if you need anything or I can answer any questions you have please get in touch with me.

Here's a shout-out to all of you folks still working each day. If you are in health care, grocery, food service or trucking and transportation services you are warriors. We all appreciate your efforts to keep our needs met in this crisis! Thank you, thank you!

Keep your distance!

Bob Meicher
District Administrator, School District of Westfield



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
330 East Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141
414-727-WILL (9455)
Fax 414-727-6385
www.will-law.org

April 3, 2020

SENT VIA EMAIL TO: jkonrath@co.marquette.wi.us

Joseph Konrath, Sheriff
Marquette County
67 W. Park Street
PO Box 630
Montello, WI 53949

We represent Rick & Angela Cohoon and their daughter Amyiah. As you may know, Amyiah recently suffered a severe upper respiratory illness with symptoms matching those of COVID-19. She was initially treated at Divine Savior Hospital in Portage, and the doctors there indicated to the Cohoons that Amyiah likely had COVID-19 but could not be tested due to the testing criteria at the time, so they sent her home with instructions to strictly self-quarantine. Three days later, Amyiah's symptoms worsened, and she was taken by ambulance to a hospital in Madison, where she was finally tested. Although she tested negative for COVID-19, the doctors there told the Cohoons that, in their opinion, Amyiah likely had COVID-19, but had missed the window for testing positive. The Cohoons believed and still believe the doctors' diagnosis.

While she was in the hospital, Amyiah posted about her experience on Instagram. During this trying time, the Cohoons notified multiple staff at Amyiah's school about her condition so that the school could warn other parents whose children had recently been on a spring break trip to Florida with Amyiah. The Cohoons believed that was the right thing to do given that COVID-19 is so contagious, and they assumed that the Westfield School District would take responsible actions to warn the other parents.

However, the School District instead took action *against* the Cohoons. It is our understanding that Robert Meicher, the Westfield School District Administrator, complained to you and that you then sent a deputy to the Cohoons' home. On March 27, Patrol Sergeant Cameron Klump came to the Cohoons' home and demanded that Amyiah remove her Instagram posts, and that, if she did not comply, he would cite the Cohoons and/or Amyiah for disorderly conduct and would arrest them and bring them or their daughter to jail. Patrol Sergeant Klump communicated to the Cohoons that he was acting on your direct orders. Mr. Cohoon initially refused to comply, but Amyiah agreed to remove the posts out of fear that her parents might be taken to jail.

Your orders and Patrol Sergeant Klump's actions in this matter blatantly violated our clients' constitutional rights. Social media posts are unquestionably speech protected by the First Amendment, *e.g. Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017), and law

enforcement may not threaten punishment for exercising First Amendment rights, *e.g.*, *Nieves v. Bartlett*, 139 S. Ct. 1715, 1722 (2019); *Surita v. Hyde*, 665 F.3d 860, 878–79 (7th Cir. 2011); *In re Douglas D.*, 2001 WI 47, ¶ 41, 243 Wis. 2d 204, 626 N.W.2d 725. Even setting aside the First Amendment issue, your order to cite the Cohoons for disorderly conduct is clearly an abuse of that ordinance, as neither Amyiah’s posts nor her refusing to take them down could lawfully be prosecuted as “disorderly conduct” under Marquette County’s ordinance or the corresponding state statute. *See Douglas D.*, 2001 WI 47, ¶ 41 (disorderly conduct statute may not be enforced against First Amendment protected speech). Your actions are particularly troubling in light of the fact that they were taken against a high school student who simply wished to communicate with her friends about a serious medical issue she was facing. The COVID-19 pandemic and state-wide quarantine are difficult for everyone, and communicating with friends and loved ones is one the few ways people have to ease that difficulty.

If you believe that anything contained in this letter is inaccurate, we ask that you tell us what you believe to be inaccurate and that you set forth what you believe to be the accurate facts. We also request, pursuant to Wisconsin’s Open Records Law, Wis. Stats. §§ 19.31–19.39, that you produce any and all documents in your possession which would support your belief as to the facts and/or which relate to the Cohoons in any way. That would include, but not necessarily be limited to, any of the following, between March 20 and April 1: (1) any complaint received by you or your department relating to the Cohoons, including Amyiah, (2) any documents received by you or your department from the Westfield School District concerning the Cohoons, including Amyiah, (3) any documents sent by you or your department to the Westfield School District concerning the Cohoons, including Amyiah, (4) any documents that led to Patrol Sergeant Klump’s visit to the Cohoons’ home on March 27th, (5) any report or reports prepared by Patrol Sergeant Klump relating to his visit to the Cohoons’ home on March 27th, (6) any text messages or other electronic messages between you and Robert Meicher regarding the Cohoons or Amyiah’s posts, and (7) any messages on any electronic messaging system between you and Patrol Sergeant Klump, or between you and any other employees of the Sheriff’s department regarding the Cohoons or Amyiah’s posts.

Based upon the information set forth above and barring any mitigating information to be supplied by you, on behalf of the Cohoons, we are asking you to do two things:

1. Confirm in writing that Amyiah and the Cohoons may freely exercise their First Amendment rights on social media, including reposting the posts they were told to remove, and that you and your staff will not cite them for disorderly conduct (or any other crime), arrest or jail them, or threaten any of the above, for exercising their First Amendment rights.
2. Issue a public, written apology to the Cohoons for your actions in this matter.

Please respond by the end of the day on Tuesday, April 7. If you do not respond, we are prepared to take further action to protect the rights of our clients.

Sincerely,

Joseph Konrath, Marquette County Sheriff
April 3, 2020
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Wisconsin Institute for Law & Liberty

/s/ Luke N. Berg

Luke N. Berg
Deputy Counsel
luke@will-law.org
(414)727-7361

Luke Berg

From: Luke Berg
Sent: Monday, April 13, 2020 3:16 PM
To: 'Hall, Samuel C.'
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thanks for your response. A letter stating that the investigation into Amyiah's prior posts is closed will not be sufficient for the Cohoons, and, quite frankly, offers no amends to them whatsoever. Of course the investigation is closed – Amyiah did exactly what Sheriff Konrath and Sergeant Klump unlawfully demanded and deleted the posts. Absent some form of acknowledgement that they violated Amyiah's First Amendment rights, we are prepared to file a complaint on the Cohoons' behalf, and will do so soon unless we hear otherwise from you.

- Luke

From: Hall, Samuel C. [mailto:SHall@CrivelloCarlson.com]
Sent: Friday, April 10, 2020 10:53 AM
To: Luke Berg <luke@will-law.org>
Subject: Re: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

Sorry for the delay in getting back to you. As you will see, the Sheriff just responded to your open records request in full.

I also had the opportunity to speak with Sheriff Konrath after I reviewed the relevant records (which you now have). Frankly, while I don't look forward to litigation in any case, I think litigation brought by your clients in this case would lack merit. There was no arrest, no prosecution and frankly this seems an awful lot like the 2020 version of screaming fire in a crowded movie theater, which as you know, could be subject to criminal prosecution under existing precedent.

If it would help allow your clients to have some closure, the Sheriff is willing to send your clients a letter advising that his Department's investigation into this matter is complete and that law enforcement is not referring charges or seeking prosecution by the District Attorney. There certainly will not be an apology and generally speaking, we think it is inappropriate for the Sheriff to comment on hypothetical future issues. As you note, the Sheriff cannot give your clients "carte blanche" to say whatever they want on social media and frankly I think it's unworkable to include in a letter what the sheriff may or may not do in a fact-intensive hypothetical situation. What he can do, and is willing to do, is to give your clients closure on the Sheriff's Department involvement in this matter.

If you'd like to discuss this further, please just let me know. Otherwise, if your clients are ready to move on from this and would like the letter I described from the Sheriff, please let me know and I can effectuate the delivery of such a letter early next week.

Thanks,
 Sam

SAMUEL C. HALL, JR.
Crivello Carlson, S.C.

Sent from my iPad

On Apr 9, 2020, at 5:09 PM, Luke Berg <luke@will-law.org> wrote:

Sam,

Have you had an opportunity to speak with Sheriff Konrath about what he would be willing to offer the Cohoons to keep this from escalating further? Thanks.

- Luke

Deputy Counsel
Wisconsin Institute for Law & Liberty
330 E. Kilbourn Ave., Suite 725
Milwaukee, WI 53202
(414) 727-7361
(608) 469-6891 (cell)

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From: Luke Berg
Sent: Tuesday, April 7, 2020 2:23 PM
To: 'Hall, Samuel C.' <SHall@CrivelloCarlson.com>
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thank you for your response and for clarifying. My choice of wording was poor. At a minimum, my clients would like to know not only that the investigation of Amyiah's prior posts is complete, but also that, going forward, Sheriff Konrath and other officers from the Marquette County Sheriff's Office will not cite them for disorderly conduct (or any other crime), arrest them, jail them, or threaten any of the above, for First Amendment protected speech on social media, including any future posts similar to the prior deleted posts. Obviously Sheriff Konrath cannot give them carte blanche to say whatever they want online, but they would like some assurance that, if Amyiah or her parents repost similar things about Amyiah's experience with what may have been COVID-19, they will not have another deputy at their door. Again, this may or may not be sufficient without an apology; I will check with the Cohoons about that while you follow up with the Sheriff.

- Luke

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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 2:01 PM
To: Luke Berg <luke@will-law.org>
Subject: Re: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

I will follow up with the Sheriff on this; however, I do not think an apology is going to happen. The rest of your request is likely on the table, though. As you know, the Sheriff does not make charging decisions, but after I have some further discussions, I think I could likely get some sort of a written correspondence to your clients from the sheriff indicating that any investigation of the matter is closed and that he is not recommending or referring any charges - or something to that effect. I can get back to you within the next day or two with confirmation that I can provide this.

I'm still in the fact-gathering phase of my work on this, but generally speaking I like to avoid dumping gasoline onto a fire, so I'd hope to at least be able to provide some closure for your clients that all law enforcement activity related to this entire ordeal is behind them, if that would help everyone move forward.

Thanks,
Sam

SAMUEL C. HALL, JR.
Crivello Carlson, S.C.

On Apr 7, 2020, at 1:50 PM, Luke Berg <luke@will-law.org> wrote:

Sam,

In the alternative to issuing a public statement, would Sheriff Konrath be willing to send a written statement directly to the Cohoons confirming that neither Amyiah nor her

parents will be criminally charged (or threatened with criminal charges) for exercising their First Amendment rights and apologizing to them directly for his actions in this matter? I will have to check with the Cohoons, but that may be enough to resolve this without litigation.

- Luke

Deputy Counsel
Wisconsin Institute for Law & Liberty
330 E. Kilbourn Ave., Suite 725
Milwaukee, WI 53202
(414) 727-7361
(608) 469-6891 (cell)

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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 12:23 PM
To: Luke Berg <luke@will-law.org>
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

No. Beyond what may be contained in reports, the Sheriff is not planning to make any public comments or statements regarding any contacts with your client, who, as you know, is a minor.

Thanks,
Sam

Samuel C. Hall, Jr.
CRIVELLO ▪ CARLSON, s.c.
414.290.7587 direct
414.271.4438 fax
SHall@CrivelloCarlson.com
www.CrivelloCarlson.com

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From: Luke Berg [luke@will-law.org]
Sent: Tuesday, April 07, 2020 12:04 PM
To: Hall, Samuel C.
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thank you for your response regarding our records request. Will you also be responding to the substance of our letter today, as requested? Thanks.

- Luke

Deputy Counsel
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Milwaukee, WI 53202
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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 12:01 PM
To: Luke Berg <luke@will-law.org>
Subject: Cohoon - Marquette County Sheriff Public Records Request

Luke,

Please see the attached.

Thanks,
Sam

Samuel C. Hall, Jr.
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UW Health
University of Wisconsin Hospitals and Clinics Authority
UW Health Affiliates

03/25/2020 - Admission (Discharged) in PS54 (continued)

Clinical Notes (continued)

Discharge Medication Coordination:

No new prescriptions given.

Electronically signed by Hanna L Christensen, RPH at 03/26/20 0904

Labs

CORONAVIRUS DISEASE 2019 (COVID-19), PCR (UWH) [387222783] (Final result)

Electronically signed by: Sudarshawn N Damodharan, DO on 03/25/20 1634 Status: Completed
Ordering user: Sudarshawn N Damodharan, DO 03/25/20 1634 Ordering provider: Sudarshawn N Damodharan, DO
Authorized by: Daniel J Sklansky, MD Ordering mode: Standard
Class: Unit Collect Quantity: 1
Lab status: Final result Instance released by: Sudarshawn N Damodharan, DO (auto-released) 3/25/2020 4:34 PM

Order comments: Complete both the Patient Information Form and the WSLH Request Form, print and send to lab with specimen.

Specimen Information

ID	Type	Source	Collected By
20UH-085MD00287	Nasopharyngeal	Nasopharyngeal	Brittany Storhoff, RN 03/25/20 1729

CORONAVIRUS DISEASE 2019 (COVID-19), PCR (UWH) [387222783]

(Normal)

Resulted: 03/25/20 2306, Result status: Final result

Ordering provider: Sudarshawn N Damodharan, DO 03/25/20 1634 Order status: Completed
Filed by: Cassie L Nordstrum 03/25/20 2306 Collected by: Brittany Storhoff, RN 03/25/20 1729
Resulting lab: UW HEALTH CLINICAL LABORATORY

Narrative:

The University of Wisconsin Hospital Clinical Molecular Laboratory Coronavirus Disease 2019 (COVID-19) assay is a real time RT-PCR test, based on a CDC design, intended for the qualitative detection of RNA from the SARS-CoV-2 isolated and purified from nasopharyngeal (NP) and/or oropharyngeal (OP) swab specimens obtained from individuals who meet COVID-19 clinical and/or epidemiological criteria. This test has not been validated for samples other than NP or OP swab specimens. Consequently, the analytical sensitivity of this testing using specimens, other than NP or OP swabs, has not been established and may result in false negative results. This test has been validated by the University of Wisconsin Hospital Clinical Laboratories, but independent review of the validation by the FDA is pending under the authority of Emergency Use Authorization (EUA). This assay is performed according to current guidance requirements and under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) for high complexity tests. Positive results are indicative of the detection of SARS-CoV-2 RNA and correlation with patient history and other clinical information is necessary to determine patient infection status. Negative results should not be used as the sole basis for patient management decisions and do not preclude SARS-CoV-2 infection. Negative results must be combined with clinical observations, patient history and epidemiological information.

This test is performed as a laboratory developed test and as such the performance characteristics of the test were validated by UWHC Clinical Laboratories. The U.S. Food and Drug Administration (FDA) has not approved or cleared this test; however, FDA approval or clearance is currently not required for clinical use of this test. The UWHC Clinical Laboratories is authorized under Clinical Laboratory Improvement Amendments (CLIA) to perform high-complexity testing.

Components

Component	Value	Reference Range	Flag	Lab
SARS-CoV-2 PCR (UWH)	Not Detected	Not Detected	—	MAIN

Testing Performed By

Cohon, Amyiah L (MR # 3390547) DOB: [REDACTED] Printed by [SXK108] at 4/30/20 1:30 PM

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Joseph Konrath

From: Joseph Konrath
Sent: Thursday, April 2, 2020 3:27 PM
To: Cameron Klump
Subject: RE: Cohoon

Cameron,

I reviewed your report and it is accurate and to the point. I did meet with District Attorney Brian Juech and he will be reviewing the case. Detective Sgt. Joe Zauner is doing some follow up with it. Thanks for your work on it. I didn't expect it would turn out the way it did.



Sheriff Joseph R. Konrath
 Marquette County Sheriff's Office
 67 W. Park Street
 PO Box 630
 Montello, WI 53949
jkonrath@co.marquette.wi.us
 608-297-2115

From: Cameron Klump <ccklump@co.marquette.wi.us>
Sent: Thursday, April 2, 2020 2:58 AM
To: Joseph Konrath <jkonrath@co.marquette.wi.us>
Subject: Cohoon

Joe,

Could you please take a look at my report from the Juvenile problem and see if you would like me to make any corrections before I submit it? I just want another set of eyes on it seeing he is requesting open records. 20-S00970.

Thanks,

Sgt. Cameron Klump #207
 Marquette County Sheriff's Office
 67 W. Park St
 Montello, WI 53949
 PH (608)297-2115, Fax(608)297-9045

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